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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,757	08/30/2001	Newton James Smith JR.	AUS920010459US1	9992
34533	7590	02/15/2006	EXAMINER	
INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469			BRUCKART, BENJAMIN R	
		ART UNIT	PAPER NUMBER	
		2155		

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/942,757	SMITH ET AL.
	Examiner Benjamin R. Bruckart	Art Unit 2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 November 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-81 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2002.01.31
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**Detailed Action**

Claims 1-81 are pending in this Office Action.

Claims 16-20 are amended.

The 35 U.S.C. 112, second paragraph rejection is withdrawn in light of applicant's amendment.

**Information Disclosure Statement**

The information disclosure statement filed 1/31/02 has been entered.

**Response to Arguments**

Applicant's arguments filed 11/1/05 have been fully considered but they are not persuasive. The reasons are set forth below.

**Applicant's invention as claimed:**

**Claims 1, 4-6, 14-15, 20, 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 20020111154 by Eldering et al.**

Regarding claim 1, a method for communication of location specific content to client devices (Eldering: page 4, para 40; delivery of ads, services and information; local area info), the method comprising the steps of:

identifying a client device at a location of a location specific device (Eldering: page 3, para 37; wireless device=client device; location specific device=towers), wherein the client device comprises client device attributes, the client device attributes comprising a client device identification code (Eldering: page 5, para 54; subscribers associated with a type of identification), and wherein the location specific device comprises a location identification code (Eldering: page 3, para 37; location is identified by the wireless system; page 5, para 51); recording user preferences for the client device (Eldering: page 5, para 49-50);

selecting, in dependence upon the user preferences for the client device and upon the location identification code, content for transmission to the client device (Eldering: page 5, para 53-54);

transmitting the selected content through the location specific device to the client device for presentation (Eldering: page 7, para 70-71); and

enabling retention of the content within the client device for a period of time (Eldering: page 1, para 8; page 7, para 66-67).

Regarding claim 4, the method of claim 1 wherein the client device comprises a personal digital assistant enabled for wireless data communications (Eldering: page 3, para 33).

Regarding claim 5, the method of claim 1 wherein the client device comprises a hand-held personal computer enabled for wireless data communications (Eldering: page 3, para 33).

Regarding claim 6, the method of claim 1 wherein the client device comprises a special purpose device enabled for wireless data communications (Eldering: page 3, para 33).

Regarding claim 14, the method of claim 1 wherein recording user preferences for a client device comprises accepting indications of user preference entered by a user through the client device (Eldering: page 5, para 47).

Regarding claim 15, the method of claim 1 wherein recording user preferences for a client device comprises accepting user instructions entered by a user through the client device (Eldering: page 5, para 47; Hicks: page 3, para 25).

Regarding claim 20, the method of claim 1 wherein user instructions include an instruction to change the level of detail of presentation of content (Eldering: page 4-5, para 47; request information).

Regarding claim 24, the method of claim 22 wherein enabling retention of the content within the client device for a period of time further comprises enabling retention of the content within the client device only while the client device is present at the location of the location specific device (Eldering: page 4, para 38-40, 45; location profiler, 47).

Regarding claim 25, the method of claim 1 further comprising storing the content in a microcomputer physically located at the location of the location specific device (Eldering: page 1, para 8).

Regarding claim 26, the method of claim 1 further comprising storing the content in a content server located remotely from the location specific device (Eldering: page 6, para 58; Fig. 3).

Regarding claim 27, the method of claim 26 wherein the content server is coupled for data communications through a multiplicity of location specific devices to a multiplicity of client devices (Eldering: page 5, para 52 teach subscribers; page 3, para 34; page 6, para 56; Figure 3).

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-3, 7-13 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Publication No. 2002/0111154 by Eldering et al in view of U.S. Publication 2002/0022453 by Balog et al.**

Regarding claim 3,

The Eldering reference teaches the method of claim 1.

The Eldering reference does not explicitly state a network address but does teach locations within a network.

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The Balog reference teaches a client device identification code comprises a network address (Balog: page 3, para 29; page 5, claim 5).

The Balog reference further teaches the invention determines optimal protocol and to select a device for successful content delivery (Balog: page 1, para 1).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of communication of location specific content to devices as taught by Eldering while incorporating network addresses as taught by Balog in order to successfully deliver content (Balog: page 1, para 1).

Claims 2, 7-13 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Eldering and Balog.

Regarding claim 2, the method of claim 1 wherein the location identification code comprises a network address (Balog: page 3, para 29; access point; page 5, claim 5).

Regarding claim 7, the method of claim 1 further comprising transcoding the content in dependence upon the client device attributes (Balog: page 2, para 23).

Regarding claim 8, the method of claim 1 wherein the client device attributes include a client device type (Balog: page 3, para 29-30).

Regarding claim 9, the method of claim 1 wherein the client device attributes comprise presentation capabilities (Balog: page 3, para 30).

Regarding claim 10, the method of claim 9 wherein the presentation capabilities include display screen size (Balog: page 3, para 30).

Regarding claim 11, the method of claim 9 wherein the presentation capabilities include color availability (Balog: page 3, para 30).

Regarding claim 12, the method of claim 9 wherein the presentation capabilities include audio availability (Balog: page 3, para 30).

Regarding claim 13, the method of claim 9 wherein the presentation capabilities include a video frame rate (Balog: page 3, para 30, 33).

**Claims 16-19, 21 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Publication No. 2002/0111154 by Eldering et al in view of U.S. Publication 2004/0261112 by Hicks, III et al.**

Regarding claim 16,

The Eldering reference teaches the method of claim 1.

The Eldering reference does not explicitly mention user instructions to pause.

The Hicks reference teaches user instructions include an instruction to pause presentation of content (Hicks: page 3, para 25; page 4, para 40).

The Hicks reference further teaches the invention provides on demand multimedia content like video, audio, TV, web and email (Hicks: page 1, para 5-6).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of communication of location specific content to devices as taught by Eldering while incorporating instructions to pause as taught by Hicks in order to view and control on demand content (Hicks: page 1, para 5-6).

Claims 17-19, 21 are rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Eldering and Hicks.

Regarding claim 17, the method of claim 1 wherein user instructions include an instruction to resume presentation of content (Hicks: page 3, para 25; page 4, para 40).

Regarding claim 18, the method of claim 1 wherein user instructions include an instruction to rewind presentation of content (Hicks: page 3, para 25; page 4, para 40).

Regarding claim 19, the method of claim 1 wherein user instructions include an instruction to fast forward presentation of content (Hicks: page 3, para 25; page 4, para 40).

Regarding claim 21, the method of claim 1 wherein the content comprises programs and the user instructions include an instruction to change from one program to another (Hicks: page 6-7, para 57).

**Claims 22-23 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Publication No. 2002/0111154 by Eldering et al in view of U.S. Publication 2002/0052925 by Kim et al.**

Regarding claim 22,

The Eldering reference teaches the method of claim 1 wherein enabling retention of the content within the client device for a period of time (Eldering: page 1, para 8; page 6, para 65).

The Eldering reference does not explicitly state an expiration date.

The Kim reference teaches transmitting to the client device an expiration date and time for the selected content transmitted to the device for presentation (Kim: page 12, para 159).

The Kim reference further teaches the invention monitors the user's activity and downloads and stores materials when user usage is low to present content instantaneously later (Kim: page 3, para 44).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of communication of location specific content to devices as taught by Eldering while incorporating expiration dates as taught by Kim in order to present content instantaneously without further download (Kim: page 3, para 44).

Claim 23 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Eldering and Kim et al.

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Regarding claim 23, the method of claim 22 wherein enabling retention of the content within the client device for a period of time further comprises altering the expiration date and time (Kim: page 12, para 159).

While the examiner understands the difference between a method, a system, and a computer program for communication of location specific content to client. The examiner equates these to the hardware and software and implementations in which the invention is embodied. Therefore claims 1-27 are equated to claims 28-54 and 55-81 in the same manner.

1	28	55
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25	52	79
26	53	80
27	54	81

**REMARKS**

Applicant provides no substantial amendments to the claims. Applicant argues the limitations of the independent claims. On administrative note, applicant's petition to restart time has been granted due to failed 'Change of Address' and subsequently mailing examiners action to the wrong address.

**The Applicant Argues:**

The Eldering reference does not teach the cited limitations.

**In response,** the examiner respectfully submits:

The Eldering reference does teach the independent claims.

The Eldering reference teaches 'a location specific device' through the teachings of the towers that the device connects with. Using two or three towers and determining the difference in time that the signal is received by the receiver, the location of the device can be determined. The towers are location specific. Para 34 teaches a plurality of towers based on the networks size and in different areas like states. The location specific device comprises a location identification code is based on the determination by the towers. That location is identified by store or product in a database to predict and track a users profile page 5, para 51.

The Eldering reference teaches client specific attributes and client device identification codes. The term attributes is broad and is sufficiently taught by the characteristics on page 4, para 40. The actual identification code is taught on page 5, para 54 where subscribers are associated with a type of identification to be referenced to by service/content providers.

The Eldering reference teaches 'recording user preferences for the client device' on page 5, para 49-50 where the information about the subscriber's location is forwarded to the location database for use with the subscribers profile.

The Eldering reference teaches 'enabling retention of the content within the client device for a period of time' on page 7 para 70-72. This is an inherent quality if the ads are to be displayed on the device based on predicted route and proximity to locations. If the ad wasn't displayed for a period of time, the ad would never be displayed. Applicant's limitation needs to define the period of time.

Regarding claim 1, a method for communication of location specific content to client devices (Eldering: page 4, para 40; delivery of ads, services and information; local area info), the method comprising the steps of:

identifying a client device at a location of a location specific device (Eldering: page 3, para 37; wireless device=client device; location specific device=tower receiver), wherein the client device comprises client device attributes, the client device attributes comprising a client device identification code (Eldering: page 5, para 54; subscribers associated with a type of identification), and wherein the location specific device comprises a location identification code (Eldering: page 3, para 37; location is identified by the wireless system; page 5, para 51);

recording user preferences for the client device (Eldering: page 5, para 49-50);

selecting, in dependence upon the user preferences for the client device and upon the location identification code, content for transmission to the client device (Eldering: page 5, para 53-54);

transmitting the selected content through the location specific device to the client device for presentation (Eldering: page 7, para 70-71); and

enabling retention of the content within the client device for a period of time (Eldering: page 1, para 8; page 7, para 70-7267).

The examiner recognizes the differences between the location specific device as applicant claims and details in the specification in para 14 in details section. The examiner encourages the applicant to define the location specific device with more details such as a ‘specific device mounted inside or near an exhibit or other location of interest’ from para 14 and para 26 of the specification.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

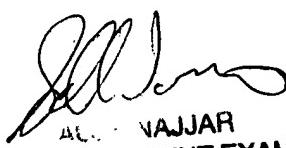
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart  
Examiner  
Art Unit 2155

brb 



Saleh NAJJAR  
SUPERVISORY PATENT EXAMINER